

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTINE THOMAS individually and as Parent and  
Natural Guardian of A.T *et al*,

Plaintiffs,

- against -

DAVID C. BANKS, in his official capacity as Chancellor  
of the New York City Department of Education, and THE  
NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendants.  
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**NOTICE OF DEFENDANTS'  
MOTION TO PARTIALLY  
DISMISS THE SECOND  
AMENDED COMPLAINT  
PURSUANT TO FED. R. CIV.  
P. 12(b)(1) AND 12(b)(6) AND  
IN OPPOSITION TO THE  
THIRD MOTION FOR  
PRELIMINARY  
INJUNCTION**

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24-cv-5138-JLR

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of their Motion to Partially Dismiss the Second Amended Complaint and in Opposition to Plaintiffs' Third Motion for a Preliminary Injunction, the Declaration of Jaimini Vyas Dated November 4, 2024, and upon all the papers and proceedings had herein, Defendants David C. Banks, in his official capacity as Chancellor of the New York City Department of Education, and The New York City Department of Education by their attorney, Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, will move this Court before the Honorable Jennifer L. Rochon of the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, on a date and at a time to be designated by the Court, for an Order pursuant to Rule 12(b)(1) and 12(b)(6) dismissing Plaintiff's Second Amended Complaint in part with prejudice, deny plaintiffs' third motion for preliminary injunctive relief, and grant Defendants such other and further relief as the Court deems just and proper.

Dated: New York, New York  
November 4, 2024

**MURIEL GOODE-TRUFANT**

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